

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALYSSA COSTANZO,

Defendant.

8:11CR141

ORDER

Defendant Alyssa Costanzo (Costanzo) appeared before the court on June 29, 2015, on the Amended Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 92). Costanzo was represented by Assistant Federal Public Defender Richard McWilliams and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Through her counsel, Costanzo waived her right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and Costanzo should be held to answer for a final dispositional hearing before Senior Judge Joseph F. Bataillon.

The government moved for detention. Costanzo presented no evidence but requested release pending drug rehabilitation treatment. Since it is Costanzo's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that she is neither a flight risk nor a danger to the community, the court finds Costanzo has failed to carry her burden and that Costanzo should be detained pending a dispositional hearing before Senior Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 3:30 p.m. on August 27, 2015**. Defendant must be present in person.

2. Defendant Alyssa Costanzo is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 29th day of June, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge